

REMARKS

Claims 1-8, 10-17 and 19-26 are pending in the present application. By this response, claims 1, 6, 7, 10, 15, 16, 19, 20 have been amended, and claims 9 and 18 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Reconsideration and allowance are respectfully requested.

The drawings have been objected to under 37 CFR §1.83(a) as failing to show every feature of the invention specified in the claims. In particular, the Examiner has indicated that the region of the catheter having a material which permits passage of the antimicrobial agent as recited in claims 6 and 15 is not shown in the drawings. A replacement sheet is being transmitted herewith in compliance with 37 C.F.R. §1.121(d), showing the distal end of the catheter 9. The Examiner has also indicated that the stopper recited in claims 9 and 18 is not shown in the drawings. To expedite prosecution, claims 9 and 18 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Finally, the Examiner has stated that the threaded portions recited in claims 8 and 17 are not “shown or labeled with a reference numeral”. (Office Action p. 2). The replacement sheet transmitted herewith labels the threaded portion of the cap with a reference number and the specification has been amended accordingly. As such, Applicants request that the Examiner withdraw the instant objection.

Claims 1-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,371,944 to Liu et al. in view of U.S. Patent No. 5,588,443 to Davidson and further in view of U.S. Patent No. 5,413,561 to Fischell et al. Applicants traverse this rejection and respectfully assert that Liu, Davidson and Fischell fail to satisfy a *prima facie* case of obviousness because all of the claimed limitations are not taught or suggested by the cited references.

With specific regard to claims 1, 10 and 19, neither Liu nor Davidson nor Fischell disclose a cap coupled to a proximal end of an antimicrobial agent-bearing intervention device to facilitate user handling of the antimicrobial agent-bearing intervention device without direct contact with the proximal end of the antimicrobial agent-bearing intervention device as claimed. In particular, the Examiner acknowledges that “Liu et al does not disclose a threaded or stopper cap with the rod affixed to the cap”. (Office Action p. 5). Indeed, Liu clearly shows the proximal end of a wire 18 as lacking any type of cap. (Liu Fig. 1C). The Examiner attempts to

cure this deficiency by relying on Fischell to “disclose a sealing cap 80 for sealing the system to reduce the blood loss when inserting guiding catheters/rods/wires.” Applicants point out, however, that the sealing cap 80 of Fischell is unable to facilitate user handling of the guide wire 30 without direct contact with the proximal end of the guide wire 30. See, for example, the statement in Fischell that “[t]he cap 40 can be manually placed onto the guiding catheter’s main body 20 by bending the flexible hinge 42 so that the stopper 44 is placed within the lumen 28 as shown in FIGS. 3 and 4. When this is done, a guide wire 30 can be placed through the conical lumen 47 and cylindrical lumen 49 of the stopper 44”. (Fischell Col. 3:26-31). Thus, the sealing cap and guide wire of Fischell are separate components and Fischell requires the sealing cap to be in place before the guide wire is inserted – presumably by manually handling and directly contacting the proximal end of the guide wire. In fact, Fischell demonstrates no appreciation for any issues related to the handling of the guide wire, and it is clear from the discussion in Fischell that the sealing cap is provided only to prevent fluid flow out of the catheter device. Simply put, Liu and Fischell fail to teach or suggest a cap as claimed. Davidson is limited to traditional guide wires that have a specialized coating to reduce friction and increase hardness, and demonstrates no appreciation for a cap as recited in the claims. Claims 1, 10 and 19 are therefore patentable over the cited references. Claims 2-8, 11-17 and 20-26 depend from claims 1, 10 and 19, and therefore also recite patentable subject matter. Accordingly, Applicants request that the Examiner withdraw the instant rejection.

CONCLUSION

Applicants assert that, for at least the above reasons, all claims in the present application are in condition for allowance. A notice to that effect is respectfully requested.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Kenyon & Kenyon Deposit Account No. 11-0600.


The Examiner is invited to contact the undersigned at (202) 220-4226 to discuss any matter concerning this application.

Respectfully submitted,

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